

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARVIN ANDRE MITCHELL,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-0538
	:	
UNIVERSITY CITY CAMPUS COPS	:	
OF PHILADELPHIA,	:	
Defendant.	:	

ORDER

AND NOW, this 26th day of February, 2019, upon consideration of *pro se* Plaintiff Marvin Andre Mitchell's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 4), and Prisoner Trust Fund Account Statement (ECF No. 5), Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(b).
2. Mitchell, #771644, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Mitchell, an initial partial filing fee of \$16.97 is assessed. The Warden or other appropriate official at the House of Correction or at any other prison at which Mitchell may be incarcerated is directed to deduct \$16.97 from Mitchell's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 19-538. After the initial partial filing fee is collected and until the full filing fee is paid, the Warden or other appropriate official at the House of Correction or at any other prison at which Mitchell may be incarcerated, shall deduct from Mitchell's account, each time that

Mitchell's inmate trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 19-538.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the House of Correction.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Any claims against "University City Campus Cops of Philadelphia" and, to the extent Mitchell is proceeding against them, any claims against Judge Simmons and Seth Williams, are **DISMISSED with prejudice**. Mitchell's false arrest claim is **DISMISSED with prejudice** as time-barred. Mitchell's claims regarding illegal conviction and false imprisonment, and any other claims challenging his conviction and sentence, are **DISMISSED without prejudice** to Mitchell's right to pursue these claims, which are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), in a new lawsuit only if he is successful in challenging his convictions and sentences in state court or federal *habeas* proceedings. Mitchell may not file an amended complaint in this matter.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Gerald Austin McHugh

United States District Judge